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**For Northwest Airlines Inc.**

***Comments of North west Airlines Inc.***

*In The Matter Of:*

Notice of Proposed Rulemaking:

Protection of Voluntarily Submitted Information

Docket # FAA-1999-6001-26

US Department of Transportation

Federal Aviation Administration

**Introduction:**

In notice 99-14, the Department of Transportation announced the intent of the Federal Aviation Administration (FAA) to protect from disclosure, certain information submitted to them on a voluntary basis. The intent is to encourage people to provide information that will assist the FAA in carrying out its safety and security duties by overcoming any reluctance of persons to share information based on a fear that it may be released to the public. The rule if adopted will help comply with the wishes and recommendations of the White House Commission on Safety and Security.

Northwest Airlines appreciates the opportunity to comment on the issue. We hope that the FAA will find merit in the views expressed below.

**Comments:**

**The most effective way to identify problems with our safety and security systems, is for the people who operate those systems to self-disclose.**

The White House Commission on Safety and Security made the above observation, and recommended that the FAA implement rulemaking to protect certain information from public disclosure. It is believed that such protection will counter fears of consequences from such information being released through the Freedom of Information Act. In general Northwest agrees with this position and supports the proposed regulation.

Northwest believes that there is a compelling reason to require the release of information to the public since it allows citizens to remain informed about the workings of our government. Any exceptions to this policy must provide significant benefits to the public to be warranted. We believe that the proposed regulation will provide such a benefit by ensuring that the FAA receives safety and security information to which it may not otherwise have access.

**In order to be successful the FAA must demonstrate that it has the ability to fully protect the source of the information.**

The regulation as drafted contains provisions for “de-identified” information. Such information has the names and persons removed in order to protect the source. Northwest shares the views of some other commenting parties, who believe that this does not go far enough. The fact remains that information may be traceable by association through e-mail identification, letterhead, or the narrative details of a report. We urge the FAA to incorporate protection from such inadvertent identification through having the data summarized prior to storage and use by the agency.

**National programs are needed to reduce the burden associated with filing by each airline or other reporting parties.**

The proposal states that the FAA would consider designating items such as FOQA and ASAP as national programs and thus reduce the burden of each airline applying for protected status for each type of information it provides. Northwest supports this approach and urges the FAA to identify other examples of programs for similar designation. Simplifying the process will only help encourage participation.

**A clear statement outlining how the data would be used in any enforcement action against the reporting party is needed.**

Existing policy statements by the FAA Administrator do in fact cover the subject, however these statements need to be clearly defined as a part of the final rule. Northwest believes that self disclosure is the first step to remedial action aimed at correction of the problem involved. Only in the most serious of instances should such information be used against the reporting party in an enforcement action as any greater use will tend to increase reluctance of parties to self-disclose.

## **Conclusion:**

Northwest believes that, with consideration given to the points outlined above, this rule will prove to be a factor in encouraging parties to share important safety and security related data.